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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/810,445

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Kenjiro Matoba

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7189

23995

7590

08/22/2006

RABIN & Berdo, PC  
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EXAMINER

FLANDERS, ANDREW C

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/810,445

Applicant(s)

MATOBA, KENJIRO

Examiner

Andrew C. Flanders

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-6,8-11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,9-11 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 3 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments, filed 22 June 2006, with respect to the rejection(s) of the claims have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Uchiyama's Fig. 3 and its corresponding description.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 4 – 6, 9 – 11 and 13 – 16** are rejected under 35 U.S.C. 102(e) as being anticipated by Uchiyama (U.S. Patent 6,373,421).

Regarding **Claims 1 and 6**, Uchiyama discloses:

A reproducing apparatus (Fig. 3; and col. 2 lines 7 – 27) comprising:

an input terminal for inputting audio digital data including a sequence of data blocks each of which consists of a predetermined number of units of data (i.e. the voice recording/reproducing device must have an input to input data, one input may be the inherent recording circuitry or module necessary to record voice, another input may be the input to the circuit or module that thins the data as shown in Fig. 3);

a thinning-out unit for thinning out part of the audio digital data on a data block basis (i.e. in Fig. 3 blocks b and d are removed);

a conversion unit for varying the amplitude of either a sequence of units of data including the last unit of data of a data block immediately preceding a thinned data block or a sequence of units of data including the first unit of a data block immediately following the thinned data block, so that the last unit of the immediately preceding data block will be concatenated with the first unit of data immediately following data block along a smooth amplitude-varying curve (Fig. 3 and col. 2 lines 7 – 27; in the Figure, the first data of block c requires an amplitude variation in order to smooth out the signal; see c1 and c2),

a reproducing unit for reproducing both the units of data converted by said conversion unit and units of data not converted by said conversion unit (i.e. fast forward reproduction of the signal in the voice recording/reproducing device of Fig. 3 and col. 2 lines 7 – 27)

wherein the amplitude-varying curve is calculated to a simply increasing or decreasing function (i.e. the amplitude in Fig. 3 block c must be reduced, or “decreased”

to meet the wave; the amplitude of C1 decreases to smooth out the block and becomes C2).

Regarding **Claims 4 and 9**, in addition to the elements stated above regarding claims 1 and 6, Uchiyama further discloses:

wherein said conversion unit integrates the sequence of units of data the amplitude of which has been varied (i.e. after the units are varied, the blocks are put together (integrated) Figs. 3).

Regarding **Claims 5 and 10**, in addition to the elements stated above regarding claim 1, Uchiyama further discloses:

wherein the units of data of each data block are compressed audio data, each data block further includes header information from which the first unit of data of the data block is obtained, and units of data following the first unit of data are decompressed on the basis of the immediately preceding unit of data of the data block (the audio data in Fig. 3 is in ADPCM format).

Regarding **Claim 11**, in addition to the elements stated above regarding claims 1 and 6, Uchiyama further discloses:

the conversion unit comprising means for varying the amplitude of the units of data adjacent the boundaries in accordance with a monotonic increasing or a monotonic decreasing function (i.e. the amplitude in Fig. 3 block c must be reduced, or "decreased"

to meet the wave; the amplitude of C1 decreases to smooth out the block and becomes C2).

Regarding **Claim 13**, in addition to the elements stated above regarding claim 12, Uchiyama further discloses:

wherein the function is a linear function (i.e. a linear increase or decrease of C1 to C1 in Fig. 3).

Regarding **Claim 14**, in addition to the elements stated above regarding claim 11, Uchiyama further discloses:

wherein the units of data are uncompressed audio data (i.e. the initial audio data is uncompressed before it arrives at the ADPCM section).

Regarding **Claim 15**, in addition to the elements stated above regarding claim 11, Uchiyama further discloses:

wherein the units of data are compressed audio data (i.e. ADPCM data).

Regarding **Claim 16**, in addition to the elements stated above regarding claim 11, Uchiyama further disclose:

wherein the first sequence of data blocks has about twice the number of data blocks as the second sequence, the second sequence being formed by removing every other data block from the first sequence (Fig. 3).

***Allowable Subject Matter***

Claims 3 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Flanders whose telephone number is (571) 272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7546. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**